

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 105**

**[Docket Nos. TSA-2006-24191; USCG-2006-24196]**

**Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License**

**AGENCY:** United States Coast Guard; DHS.

**ACTION:** Notice of compliance date, Captain of the Port Zones Boston, Northern New England, and Southeastern New England.

**SUMMARY:** This Notice informs owners and operators of facilities located within Captain of the Port Zones Boston, Northern New England, and Southeastern New England that they must implement access control procedures utilizing TWIC no later than October 15, 2008.

**DATES:** This Notice is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER.].

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, are part of dockets TSA-2006-24191 and USCG-2006-24196, and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this

docket on the Internet at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this Notice, call LCDR Jonathan Maiorine, telephone 1-877-687-2243. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

**SUPPLEMENTARY INFORMATION:**

I. Regulatory History

On May 22, 2006, the Department of Homeland Security (DHS) through the United States Coast Guard (Coast Guard) and the Transportation Security Administration (TSA) published a joint notice of proposed rulemaking entitled “Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver’s License” in the Federal Register (71 FR 29396). This was followed by a 45-day comment period and four public meetings. The Coast Guard and TSA issued a joint final rule, under the same title, on January 25, 2007 (72 FR 3492) (hereinafter referred to as the original TWIC final rule). The preamble to that final rule contains a discussion of all the comments received on the NPRM, as well as a discussion of the provisions found in the original TWIC final rule, which became effective on March 26, 2007.

In a separate section of today’s Federal Register, the Coast Guard and TSA issued a final rule to realign the compliance date for implementation of the Transportation Worker Identification Credential. The date by which mariners need to obtain a TWIC, and by which owners and operators of vessels, facilities, and outer continental shelf facilities, who have not otherwise been required to implement access control procedures

utilizing TWIC, must implement those procedures, is now April 15, 2009 instead of September 25, 2008. This realignment provides 18 months from the date the initial enrollment centers became operational for regulated entities to come into compliances with the requirements of the TWIC final rule. Owners and operators of facilities that must comply with 33 CFR part 105 will still be subject to earlier, rolling compliance dates, as laid out in 33 CFR 105.115(e). As provided in that regulation, the Coast Guard will announce those dates at least 90 days in advance via notices published in the Federal Register. The final compliance date will not be later than April 15, 2009.

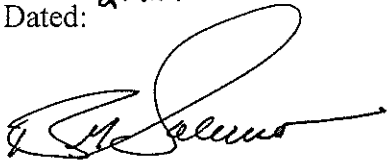
## II. Notice of Facility Compliance Date – COTP Zones Boston, Northern New England, and Southeastern New England.

Title 33 CFR 105.115(e) currently states that “[f]acility owners and operators must be operating in accordance with the TWIC provisions in this part by the date set by the Coast Guard in a Notice to be published in the Federal Register.” Through this Notice, the Coast Guard informs the owners and operators of facilities subject to 33 CFR 105.115(e) located within the following Captain of the Port Zones: Boston, Northern New England, and Southeastern New England that the deadline for their compliance with Coast Guard and TSA TWIC requirements is October 15, 2008.

We have determined that this date provides sufficient time for the estimated population required to obtain TWICs for these COPTs to enroll and for TSA to complete the necessary security threat assessments for those enrollment applications. We strongly encourage persons requiring unescorted access to facilities regulated by 33 CFR part 105 and located in one of these COTP Zones to enroll for their TWIC as soon as possible, if

they haven't already. Information on enrollment procedures, as well as a link to the pre-enrollment website (which will also enable an applicant to make an appointment for enrollment), may be found at <https://twicprogram.tsa.dhs.gov>.

Dated: *2 MAR 08*

A handwritten signature in black ink, appearing to read "B. M. Salerno", with a large, stylized loop at the end.

Brian M. Salerno

Rear Admiral, U.S. Coast Guard

Assistant Commandant for Marine Safety, Security and Stewardship